DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA   95814

October 16, 1980

ALL-COUNTY INFORMATION NOTICE I-113-80

TO: ALL COUNTY BOARDS OF SUPERVISORS
ALL COUNTY WELFARE DEPARTMENTS
ALL COUNTY DISTRICT ATTORNEYS

SUBJECT: PEACE OFFICER STATUS FOR FRAUD INVESTIGATORS (SB 1447)

REFERENCE:

The purpose of this letter is to inform you of the recent passage of Senate Bill 1447, Chapter 1340 of 1980. This bill, which was signed into law by the Governor on September 30, 1980, concerns the peace officer status of welfare fraud and child support investigators under Penal Code Section 830.31. Previously, peace officer status for a welfare fraud investigator was at the option of the County Board of Supervisors. Under this bill, peace officers may carry firearms only if authorized and under such terms and conditions as are specified by their employing agency.

The new language of Penal Code Section 830.31 provides:

> The following persons are peace officers.... Such peace officers may carry firearms only if authorized and under such conditions as are specified by their employing agency.

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> (d)   A welfare fraud or child support investigator or inspector, regularly employed and paid as such by a county, provided that the primary duty of any such peace officer shall be the enforcement of the provisions of the Welfare and Institutions Code and Section 270 of this code.

In order to acquaint you with the requirements of peace officers, this letter summarizes the relevant code sections. Peace officers must complete a 26-hour course certified by POST (meeting Penal Code Section 830.2 requirements) within 90 days from the date of this law or within 90 days of his/her appointment date. For those individuals authorized to carry firearms an additional 14 hours of firearms training certified by POST is required. The Department of Social Services has identified the facilities throughout the state where the 830.2 training is regularly offered. These courses are usually conducted through local community or junior college districts and are of no or minimal cost to the participant. Counties desiring more information on the location of their nearest facility should contact the Department of Social Services' Fraud Prevention Section.

GEN 654a   (7/78)

In addition, the counties should be aware that there are various restrictions on the employment of a peace officer as outlined by Government Code Sections 1029 through 1031. These are summarized as follows:

Section 1029: This section specifies that any person who has been convicted of a felony is disqualified as a peace officer.

Section 1030: This section requires that a classifiable set of finger-prints on every peace officer shall be submitted to the State Department of Justice and the FBI.

Section 1031: This section sets the minimum standards for peace officers as follows:

(a) Be a citizen of the United States;

(b) Be at least 21 years of age;

(c) Be fingerprinted for purposes of search of local, state, and national fingerprint files to disclose any criminal record;

(d) Be of good moral character, as determined by a thorough background investigation;

(e) Be a high school graduate or pass the General Education Development test indicating high school graduation level.

(f) Be found, after examination by a licensed physician and surgeon, to be free from any physical, emotional, or mental condition which might adversely affect his exercise of the powers of a peace officer.

The Department, through its normal regulatory process, will also be studying Division 20 of the Department of Social Services' regulations which deal with fraud and suspected law violations, in order to incorporate changes mandated by this new law, if necessary. In addition, the Department is assessing the impact the implementation of this law may have on administrative costs. As additional information becomes available the counties will be notified.

If you have any questions regarding the impact of this bill on your county's fraud program, please contact Larry Harrison at (916) 920-7715.

Sincerely,

MARION Q. WOODS
Director

cc: CWDA